

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 3:25-cv-00026
	)	
v.	)	
	)	
SOUTHEAST BANK,	)	
	)	
Defendant.	)	

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**NOTICE OF VOLUNTARY DISMISSAL**

The United States of America respectfully gives notice that it dismisses *United States v. SouthEast Bank*, No. 3:25-cv-00026, under Fed. R. Civ. P. 41(a)(1)(A)(i). The United States has decided not to proceed further in this matter.

“[P]laintiffs may voluntarily dismiss their claims without a court order.” *Frank v. Gaos*, 586 U.S. 485, 492 (2019) (citing Fed. R. Civ. P. 41(a)(1)(A)). Rule 41(a)(1) provides a plaintiff authority to dismiss its complaint “without the permission of either adverse party or the court” if a defendant has not filed an answer or moved for summary judgment. *Aamot v. Kassel*, 1 F.3d 441, 443 (6th Cir. 1993). A qualifying plaintiff’s right to withdraw its action under Rule 41(a)(1) is “absolute” and, “once a notice of dismissal is filed, a district court ‘has no discretion to deny such a dismissal.’” *Wellfount, Corp. v. Hennis Care Ctr. of Bolivar, Inc.*, 951 F.3d 769, 774 (6th Cir. 2020) (quoting *Aamot*, 1 F.3d at 443). Indeed, “a notice of dismissal under Rule 41(a)(1) is self-effectuating and never subject to review[.]” *Id.* at 772 (citing *D.C. Elecs., Inc. v. Nartron Corp.*, 511 F.2d 294, 298 (6th Cir. 1975)).

Rule 41(a)(1)(A)(i)’s plain terms specify only two things that can prevent a plaintiff’s voluntary dismissal without a court order: a defendant’s service of (1) an answer or (2) a motion

for summary judgment. SouthEast Bank made neither such filing here. The United States is therefore exercising its right to voluntarily dismiss this case, *United States v. SouthEast Bank*, No. 3:25-cv-00026, without a court order through this notice.

Date: April 10, 2025

Respectfully submitted,

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